

## **BOROUGH OF WATCHUNG**

### **COUNCIL MINUTES**

**March 20, 2014 - 7:30 P.M.**

**MAYOR'S STATEMENT:** Mayor Pote called the meeting to order at 7:33 PM and made the following statement: Under the provisions of N.J.S.A.10:4-6 et seq., notice of the time and place of this meeting was given by way of annual notice to the Courier News, Echoes Sentinel, and Star Ledger, and posted at Borough Hall.

### **SALUTE TO THE FLAG and a MOMENT OF SILENCE FOR OUR SERVICE MEN AND WOMEN, SERVING HOME AND ABROAD**

### **ROLL CALL**

Nehls [ P ] Black [ A ] Franklin [ P ] Joren [ P ] Gibbs [ P ] Beck-Clemens [ P ]

Also present were Administrator Tom Atkins, Attorney Albert Cruz, Clerk Michelle DeRocco, Engineer Tom Herits, Police Chief Joseph Cina, and Deputy Clerk Mary Ann Hance.

There were 8 members of the public present.

### **PROCLAMATION**

Mayor Pote read and presented the following proclamation to CASA Shaw Board Members Suzanne Fiorino and Deb Cummings.

Proclaiming April as "Go Blue for CASA Month" (copy attached)

### **REPORT OF STANDING COMMITTEES:**

1. Administration & Finance – Councilman Franklin reported the Committee had a meeting last week and said they continued discussions on employee comp time, shared services for the Court, consolidating the land use boards, and possibly the creation of a Sewer Authority – all as cost saving measures. Councilman Franklin reported the committee discussed considering rezoning and reassessing some of the Weldon quarry lots, which are currently zoned RR. He also said there was discussion regarding the Phillips Field lease. Administrator Atkins said he spoke to the Board of Education and the Business Administrator of the school and said it now will go to their Committee and Attorney. Council President Nehls said the Council should see the lease agreement prior to it being signed. Councilwoman Joren mentioned that the consolidation of the planning and zoning boards had been before the Laws and Ordinance Committee before and she has a file on this. Councilman Franklin also reported the Boroughs' cost for snow removal this year which totalled \$147,000. so far.
2. Police – Council President Nehls said Police Chief Cina will report later in the meeting.
3. Public Works/Buildings and Grounds - Council President Nehls reported the Public Works Department continues to fill potholes and have repaired the catch basin in the parking lot at Borough Hall. Council President Nehls also said the baseboard heat in the Council room was repaired. He reported that with the help of resident Lane Solon, the lights in the Court and Police Department were fixed, in addition to miscellaneous repairs at the Library building. Council President Nehls said lawnmowers have been serviced for the upcoming season and property cleanup will begin shortly. He also said the quote from Geese Chasers will be discussed with the Public Works Committee, in addition to the information the Girl Scouts had previously presented for the use of solar lights as a deterrent. Councilwoman Beck-Clemens said the Girl Scouts will be receiving their Bronze award for this project and she requested the following Girl Scouts names be entered into the minutes. Elspeth Allen, Cristina Sarrico, Rachel Krouk, Angela Schaeffer, Kaelin Churchill, Lauren Ng, Alexandra Bury, Selena Adrianzen, Sarah Arber and Aishwarya Sabharwal. Council President Nehls reported there is a resolution on the agenda this evening appointing a new public works employee, Anthony Nappe who has experience with HVAC and has his CDL License. Councilman Franklin said the Finance Committee is studying a salary plan for public works employees.
4. Public Affairs:
  - Open Space – Councilwoman Beck-Clemens had no report at this time.
  - Environmental – Councilman Gibbs had no report but there is a meeting scheduled for next Monday.
  - Recreation – Councilwoman Beck-Clemens reported there is an upcoming trip to Yankee Stadium on May 12th for the Subway Game between the Yankees and Mets. She said the ticket

price is \$60.00 which includes the bus transportation . Councilwoman Beck-Clemens also said the ski trip netted \$65 for the Borough. The Joint Insurance Fund (JIF) has refunded the Borough \$813.00. since there is no longer a girls field hockey program. She also said Jeff Isaccs is doing upgrades on Mobus field as an Eagle Scout project.

Historical – Councilwoman Beck-Clemens reported there is a resolution on the agenda this evening appointing Lynn Stahl to the Historical Committee. She also said she checked on the security of the Texier House and found all doors and windows are secured. The Historical Committee held a "trial" tea party today and she thought this could be a future fund raiser. Councilwoman Beck-Clemens also reported the Committee will be voting on their Strategic Plan at their next meeting.

Board of Health- No report was submitted.

5. Fire – No report was submitted.
6. Laws/Ordinances – Councilwoman Joren reported there is a meeting scheduled for March 31st. Councilwoman Beck-Clemens asked a question regarding the flower beds and if anything further has been done regarding possibly having a contractor volunteer to maintain these and Councilwoman Joren said this was given to Bob Burns for follow up to see if there are any companies interested in doing this program.

#### **REPORTS - OTHER:**

7. Engineer – Tom Herits reported the Mountain Boulevard project is basically complete with some Punch List items, repairs to properties and repairs to road and trenches. Lakeview and Cedar drainage portion has been completed and the contractor has started doing the curbing on the first side and then will complete the other side. Mr. Herits said there was a meeting with the Architect tonight regarding the Firehouse and this is moving ahead. Mr. Herits also reported he will be getting a report to the Mayor and Council with a cost estimate for the Rock Slope remediation. He said he met with Mr. Daniel Trino from GSI who gave some very good advise for when the Borough goes out to bid. Mr. Herits reported that the generators have been ordered and he will be meeting with the Gas Company to discuss changing the meter at the Police Department and Borough Hall needs a new line. Councilwoman Beck-Clemens asked how long it will take for the generators to come and Mr. Herits said these generators are built from scratch and he said he will check but thought it would take approximately sixty days. Mr. Atkins said there was much time spent on researching the Caterpillar Generators. Councilwoman Beck-Clemens questioned if new specifications had to be submitted and Mr. Herits said they did not need them. Mr. Cruz explained that under the Local Public Contract Law the Municipality can specify what they want but a contractor can submit any equivalent and it must meet the required standards. Mr. Herits than reported that Johnston Drive is mostly completed and paving will be done after the school year ends. He said the lines have all been tested. Councilwoman Beck-Clemens asked when residents will be able to begin tying in to the sewer, and Mr. Cruz explained that when John Black says the project is complete, the Borough has to first accept the project and the assessment would go after that.
8. Police Chief Cina said he met a Nixel representative and discussed some issues the Borough has had mainly because they had us under the zip code 07060. Chief Cina said he informed the representative we have had our own zip code for many years and was told they will look into this. Chief Cina said the line of service the Borough has for this is free so we can't demand too much. Chief Cina then reported that the Police Department is in the process of Spring Fire Arms qualifications. Mayor Pote asked where this was being accomplished and Chief Cina said it is at the County Range in Hillsborough. Chief Cina also reported he will be meeting with the Somerset County Prosecutor in April to discuss School Security and the plan for County wide standardization. Chief Cina mentioned an article that was in the Star Ledger on Autism and the Autism rate. He said the Police Department will be developing their own information sheet/data base so officers will know when they are responding to a call if there is a potential problem so they can be prepared. Chief Cina said the newer recruits do get some training on this and there is online training for those who need it.
9. Fire Department – Chief Carlucci gave a statistics report for 2013, and reported the Radio System is installed and everything is in good shape and there is a 12 hour battery back-up for these. He also said there are 26 slots for the CERT Team if and when needed. Chief Carlucci reported the FCC License for 1610 is up for renewal and a copy is in Maria Fittipaldi's office. He also said there are maintenances issues with the departments' apparatus that must be addressed. He also reported there will be a joint drill with Berkeley Heights on Saturday at the old Bard (Mansueto's). He said Mr. Berlant gave the department permission to do this. Councilwoman Beck-Clemens asked if the Fire Department gets anything for this building take down and Chief Carlucci explained it is a drill and very good experienced training for the volunteers.
10. Rescue Squad- No report was submitted.

11. Emergency Management – Skip Bell reported Gary Greves has been working on the Annexes and will be meeting with the Mayor for reviewing soon. He also said the EOC is up and running and stands for the monitors were donated. Mr. Bell said the 9/11 Committee did raise some funds from the last newsletter but much more is needed. Mayor Pote said the Council should see the site that is being recommended.
12. Attorney–Mr. Cruz had no report but said there is one item for Executive Session this evening.
13. Clerk – Ms. DeRocco reported after the unusual number of elections last year there were many concerns were raised. Ms. DeRocco said she received many calls from parents asking us to remove the polling locations from the schools. Both the administration and the parents felt the way Valley View School is set up that it could pose a potentially serious situation, creating easy access for a stranger to enter the school for other reasons. She said Mayor Pote, Administrator Tom Atkins and she met with Dr. Resko and the School Board Administrator to discuss several other issues and the polling locations again came up. Ms. DeRocco said after several weeks of searching, the Wilson Memorial Church was considered for a possible site. The Church has a large room that could more than adequately house three election districts. She said she spoke with the Administrators at Wilson Memorial, who after presenting the proposal to their Board, welcomed us with open arms. Ms. DeRocco said she then submitted a proposal to the County Board of Elections to move Districts 2 & 5 from Valley View School and also District 3 from Bayberry School all to Wilson Memorial. She said the County has granted authorization to move Districts 2 & 5 from Valley View School, but they denied moving the Bayberry district since Bayberry has a separate entrance with no exposure to the students. Ms. DeRocco said she thanks the folks at Wilson Memorial for welcoming the Borough and said all voters in Districts 2 & 5 will be notified by mail of the change.
14. Administrator – Mr. Atkins said there was correspondence from the League on Pension valuation report and asked all members to please read it. The valuation report identified problems and issues that the State Government needs to continue to address.

Mayor Pote said Monday, March 17th was one year since the passing of our Mayor Jerry Mobus and the employees all observed a moment of silence and ran the video of the Memorial Service. He also said the flags were flown at half staff for this day. Mayor Pote also reported he and members of the Council attended the Rescue Squad Dinner last Friday and said it was an honor to attend. He also said he will be attending the Meet the Mayors event on March 27th with business and residents and all are welcome. Mayor Pote said "Operation Pride" will be held on Saturday, March 29th and Little League opening day is Saturday, April 5th.

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### PUBLIC PORTION / AGENDA ITEMS ONLY

Mr. Cruz asked if the Mayor and Council would allow the gentlemen from CBA Industries–Independent Press to speak to the Council at this time and he explained they are here to address any complaint the Borough has received from residents regarding unwanted deliveries and not picking up those that are still on the ground by Sunday.

Mr. Christopher Erd, Attorney representing CBA Industries and Mr. Knoll of CBA explained the procedure used to deliver the weekly publication of the Independent Press and the removal of those not taken in by the residents. They felt these recent incidents were due to the weather conditions and the possibility of the papers being plowed under snow banks. Both Mr. Erd and Mr. Knoll said these complaints will be addressed and the deliveries will be closely monitored. Mr. Cruz said in the last two years there have been no complaints but since the Borough has received several recently it was decided to discuss this immediately. Mr. Knoll explained all the delivery packages are hand inserted. Mr. Cruz asked if the packages delivered have to have a newspaper in them or are these deliveries sometimes only advertisements, and Mr. Erd said there has to be a newspaper but there is the possibility of some going out without one, as the bags are hand stuffed and human error does occur. Mr. Cruz asked Mr. Erd to amend the agreement to include the stipulation that there will be a newspaper in every delivery and also, if possible, have larger print on the outside stating there is a paper in the package. Both Mr. Knoll and Mr. Erd stressed their desire to work well with the Borough.

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### UNFINISHED BUSINESS

A Public Hearing of Ordinance OR:14/05 entitled **“AN ORDINANCE REPEALING AND REPLACING SECTIONS 17-3.3, TITLED “PLACEMENT ON PUBLIC STREETS PROHIBITED”, TO BE RENAMED “PLACEMENT OF SNOW, ICE, SLUSH OR ANY COMBINATION THEREOF ON PUBLIC STREETS PROHIBITED”, AND 17-3.4, TITLED “VIOLATIONS AND PENALTIES”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG.”** was held.

Councilwoman Joren requested the Clerk produce an Affidavit of Publication and moved a public hearing be held with a second by Council President Nehls and upon roll call the vote was as follows: Nehls, Franklin, Joren, Gibbs, Beck-Clemens, “aye”. The meeting was open to the public for any questions or comments.

With no one from the public wishing to be heard Councilwoman Joren closed the public hearing and moved the following resolution with a second by Council President Nehls and upon roll call as follows: Nehls, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

R1: 3/20/14 Adoption of Ordinance OR: 14/05 – Placement of Snow on Public Streets Prohibited

A Public Hearing of Ordinance OR:14/06 entitled “**AN ORDINANCE REPEALING AND REPLACING SECTION 18-11, TITLED “GREASE TRAPS”, OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF WATCHUNG.**” was held.

Councilwoman Joren requested the Clerk produce an Affidavit of Publication and moved a public hearing be held with a second by Council President Nehls and upon roll call the vote was as follows: Nehls, Franklin, Joren, Gibbs, Beck-Clemens, “aye”. The meeting was open to the public for any questions or comments.

With no one from the public wishing to be heard Councilwoman Joren closed the public hearing and moved the following resolution with a second by Council President Nehls and upon roll call as follows: Nehls, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

R2: 3/20/14 Adoption of Ordinance OR: 14/06 – Amend Code – Clarification of Enforcement, Penalties regarding Grease Traps

A Public Hearing of Ordinance OR:14/07 entitled “**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF WATCHUNG, CHAPTER VI, ENTITLED “ALCOHOLIC BEVERAGE CONTROL,” SPECIFICALLY SECTION 9-3.7 THEREFOR, ENTITLED “LICENSE FEES; MAXIMUM NUMBER’ AS HERETOFORE SUPPLEMENTED AND AMENDED.**” was held.

Councilwoman Joren requested the Clerk produce an Affidavit of Publication and moved a public hearing be held with a second by Council President Nehls and upon roll call the vote was as follows: Nehls, Franklin, Joren, Gibbs, Beck-Clemens, “aye”. The meeting was open to the public for any questions or comments.

With no one from the public wishing to be heard Councilwoman Joren closed the public hearing and moved the following resolution with a second by Council President Nehls and upon roll call as follows: Nehls, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

R3 : 3/20/14 Adoption of Ordinance OR: 14/07 – Increase in Liquor License Fees

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**NEW BUSINESS**

**CONSENT AGENDA:** The Consent Agenda Items listed below were unanimously adopted following a motion by Council President Nehls and a second by Councilwoman Joren and upon roll call the vote was as follows: Nehls, Franklin, Joren, Gibbs, Beck-Clemens, “aye”.

Approval of the following Council minutes:  
March 6, 2014

Acknowledging Receipt of the following Borough Reports:  
Building Department Report – February, 2014  
Police Activity Report – February, 2014  
Recreation Commission Minutes – February 11, 2014  
Youth Services Commission Minutes – December 3, 2013  
Historical Committee Minutes – February 12, 2014

Acknowledging Receipt of the following Correspondence:

#7 - Nicole and Andre Fortier 3/2/14 Request for the procedure process required for Hill Place to be eligible to become a public street c: M&C, TEA, TH, AMc, AC

Council President Nehls then requested Correspondence #7 be referred to the Public Works Committee for discussion.

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**CONSENT AGENDA RESOLUTIONS:** The Consent Agenda resolutions listed below were unanimously adopted following a motion by Council President Nehls and a second by Councilwoman Joren and upon roll call the vote was as follows: Nehls, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

- R4:03/20/14 Appointment to Historical Committee – Lynn Stahl
- R5: Appointment of Public Works Laborer – Anthony Nappe
- R6: Adoption of the 2013 Somerset County Multi-Jurisdictional All-Hazards Mitigation Update
- R7: Authorize Temporary Budget Amendment
- R8: Waive Chapter 2-25.10 of the Borough Code – Gray's Florist & Greenhouse

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**NON-CONSENT AGENDA ITEMS:** Items listed below will be individually addressed and acted upon accordingly. Council reserves the right to refer an item to Committee for further review and discussion.

Councilman Franklin moved the following resolution

- R9: 03/20/14 Payment of Bills

Councilwoman Joren seconded the motion and upon roll call the vote was as follows: Nehls, Franklin, Joren, Gibbs, Beck-Clemens, “aye.”

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**PUBLIC PORTION - GENERAL DISCUSSION**

With no members of the public wishing to be heard Mayor Pote closed the public portion of the meeting.

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Council President Nehls moved the following resolution with a second by Councilwoman Beck-Clemens and upon roll call the vote was as follows: Nehls, Franklin, Joren, Gibbs, Beck-Clemens, "aye."

- R10:03/20/14 Attorney-Client Privilege- In re the Matter of the Adoption of NJSA 5:96 by the New Jersey Council on Affordable Housing.

Upon return to regular session, all Council members previously in attendance were again present.

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**ADJOURNMENT**

There being no further business to come before the Council, the meeting was adjourned at 9:20 P.M. to the Call of the Chair, and to the next scheduled Council meeting to be held on April 3, 2014, at 7:30 P.M.

Respectfully submitted,

*MaryAnn Hance*